IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 305 OF 2007

Madhav Suryabhan Shelar and anr. ..Applicants

Vs.

The State of Maharashtra ..Respondent

Ms. Varsha Palav for applicants.
Ms. Rajshree Gadhvi, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : February 02, 2007.

P.C.:

1. Heard the learned counsel for the applicants who are impleaded as accused nos.3 and 4 in C.R. No.3089 of 2007 registered with the Manmad Police Station.

2. As per the prosecution a four wheeler tempo bearing Registration No.MH 15/G 4141 was intercepted by the police party and it was noticed that the tempo was carrying 100 bags of rice, 50 Kg. each, and for being sold at Lasalgaon Market. The said rice was transported from the tempo of accused no.5 who holds licence of fair price shop. The rice was from the

Government quota to be supplied under the Rural Employment Scheme. Accused no.1 was the driver, whereas accused nos.2 and 6 are the owners of the godowns. Accused no.5 has been released on bail and so is the case with accused nos.1,2 and 6.

3. I have perused the FIR dated 30/12/2006 which clearly attributes specific role to both the applicants in the transportation of the confiscated rice bags and for being sold in the open market. As per the FIR the applicants are operating the fair price licence issued in favour of accused no.5 and they were the main conspirators in the alleged racket of selling the rice from the quota of Rural Employment Scheme in the open market and to make money. The learned Additional Sessions Judge at Malegaon, while rejecting the application for anticipatory bail by his order dated 23/1/2007 has opined that the applicants, who are alleged to have involved themselves in anti social criminal activities did not deserve to be released on anticipatory bail and it was necessary to have their custodial interrogation. This view, to my mind, cannot be considered to be perverse or illegal.

The police will have to take the applicants in custody, more so to find out whether there were any other incident of transportation/sale of rice from the Government's scheme to the open market and hence this application must fail.

4. Hence, the application is hereby rejected. Undoubtedly, this is a fit case for the State Government to suspend the licence granted in favour of Accused No.5 forthwith but by following the process of law.

(B.H. Marlapalle,J.)